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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 SEAN THOMAS MOYER,

15 Defendant.

16
17 Case No. 2:23-mj-00457-BNW

18 **STIPULATION TO CONTINUE
BENCH TRIAL**
(Second Request)

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20 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel for the
United States of America, and Rene L. Valladares, Federal Public Defender, and Madeline S.
Lal, Assistant Federal Public Defender, counsel for Sean Thomas Moyer, that the bench trial
currently scheduled on December 20, 2023, at the hour of 9:00 a.m., be vacated and continued
to a date and time convenient to the Court, but no sooner than ninety (90) days.

21
22 This Stipulation is entered into for the following reasons:

23
24 1. Defense counsel needs additional time to conduct investigation in this case in
order to determine whether there are any pretrial issues that must be litigated and whether the
case will ultimately go to trial or resolve through negotiations.

1 2. There is outstanding discovery.
2 3. The defendant is out of custody and agrees with the need for the continuance.
3 4. The parties agree to the continuance.
4 5. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice. The additional time requested by this Stipulation is excludable in computing the time
6 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
7 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
8 Section 3161(h)(7)(B)(i), (iv).

9 This is the second request for a continuance of the bench trial.

10 DATED this 18th day of December 2023.

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12 RENE L. VALLADARES
13 Federal Public Defender

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15 JASON M. FRIERSON
16 United States Attorney

17
18 */s/ Madeline S. Lal*
19 By _____
20 MADELINE S. LAL
21 Assistant Federal Public Defender

22
23 */s/ Imani Dixon*
24 By _____
25 IMANI DIXON
26 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
SEAN THOMAS MOYER,
Defendant.

Case No. 2:23-mj-00457-BNW

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. There is outstanding discovery.

3. The defendant is out of custody and agrees with the need for the continuance.

4. The parties agree to the continuance.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be

likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

4 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
5 States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United
6 States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

8 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
9 December 20, 2023, at 9:00 a.m., be vacated and continued to March 27, 2024 at
10 9:00 a.m.

DATED this 19 day of December, 2023.

Benswicker
UNITED STATES MAGISTRATE JUDGE